

ZONING BOARD OF APPEALS MEETING MINUTES

MAY 1, 2006

PRESENT: Mary Cardin, Kenneth Braga (arr. 7:10), William Harford and Alternates Robert Wambolt and Ronald Stomberg

ABSENT: Mark Spurling, Robert Palozej, Aaron Rossow and Alternate Joseph Snyder

STAFF

PRESENT: Reanna Goodreau, Recording Secretary

I. CALL TO ORDER:

Chairman Cardin called the Zoning Board of Appeals (ZBA) meeting to order at 7:05 p.m. at the Ellington Town Hall Annex, 57 Main Street, Ellington, CT.

II. PUBLIC COMMENTS: NONE

III. PUBLIC HEARINGS:

1. #V200602—Juliano's Pools for a variance to the Ellington Zoning Regulations Section 4.8a, PC-Planned Commercial Zone Permitted Uses and Section 6.1, Nonconforming Uses of Land & Structures for a use variance to allow a 20' x 40' inground pool for residential use on property located at 4 Olde Farms Road, APN 063-058-0001.

CHAIRMAN CARDIN NOTED THE WITHDRAWAL OF APPLICATION #V200602— JULIANO'S POOLS.

2. #V200605—Burton & Cynthia McNamar for a variance to the Ellington Zoning Regulations, Section 5.2—Area & Yard Requirements for a front yard setback from 35 feet to 15 feet for a 10' x 16' addition on property located at 1 Hotel Road, APN 148-033-0000 in a LR Zone.

TIME: 7:06 p.m.

SEATED: M. Cardin, W. Harford, R. Wambolt and R. Stomberg

Cynthia McNamar came forward to explain the application. She stated that they would like to construct a 10' x 16' addition to enlarge their kitchen. She showed photographs of the area. Mrs. McNamar explained that the addition would be no closer to the street than the existing home. She submitted the certificate of mailings for the record.

Chairman Cardin read the application in regards to the hardship, noting that that home was built prior to zoning regulations, that it is a corner lot and that the home already encroaches into both front yard setbacks.

Cas Spytek, 7 Hotel Road, explained that there are only two homes on Hotel Road, which is a gravel road. He noted that he received variances for an addition to his home several years ago. He stated that the proposed addition would not interfere with traffic, garbage pick-up or school busses.

MOVED (WAMBOLT), SECONDED (CARDIN) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #V200605—BURTON & CYNTHIA MCNAMAR.

Chairman Cardin noted that the addition would be no closer to the road than the existing home. Commissioner Stomberg noted that he visited the site and did not see a problem with allowing the addition.

MOVED (WAMBOLT), SECONDED (HARFORD) AND PASSED UNANIMOUSLY TO APPROVE #V200605—BURTON & CYNTHIA MCNAMAR.

HARDSHIP: LOT SIZE & LOT CONFIGURATION WITH TWO FRONT YARD SETBACKS

3. #V200604—William Mandell for variances to the Ellington Zoning Regulations, Section 5.2—Area & Yard Requirements; Section 5.3g(b)—Additional Yard Requirements; Section 5.2, Footnote 5—Footnotes to Area & Yard Requirements; Section 7.7.5(a)—Location of Parking Facilities for a front yard setback from 100 feet to 79.27 feet and to allow the building at that location although the adjacent commercial building is farther from Windsorville Road (required to have new buildings no closer than adjacent); to allow a 2,244 square foot building (required minimum is 2,500 square feet); to allow lot coverage of 68.3% (required maximum is 60%); and to allow parking within 6 feet of the building (required separation is 20 feet) for construction of a gas station convenient store and associated improvements on property located at 194 Windsorville Road, APN 009-067-0000 in a C Zone.

CHAIRMAN CARDIN NOTED THE WITHDRAWAL OF APPLICATION #V200604—WILLIAM MANDELL.

4. #V200606—David Gauthier for a variance to the Ellington Zoning Regulations, Section 5.2—Area & Yard Requirements for a side yard setback from 10 feet to 6 feet and increase building coverage from 20% to 23% for a 24' x 28' detached garage on property located at 34 Aborn Road, APN 149-087-0000 in an A Zone.

TIME: 7:15 p.m.

SEATED: M. Cardin, K. Braga, W. Harford, R. Wambolt and R. Stomberg

Chairman Cardin noted that the certificate of mailings were in the file. She also noted the North Central District Health Department's comments.

David Gauthier came forward to explain the application, which is for a 24' x 28' detached garage. He noted that the existing 18' x 18' garage will be removed. Mr. Gauthier stated that the encroachment into the front and side yard setbacks will be lessened.

Chairman Cardin asked why the garage was so large and was told that the 24' is standard and that the 28' is to allow for an internal staircase. He explained that property has a steep slope towards the home and the internal staircase would allow for safer entry during inclement weather.

Several neighbors came forth in favor of the application.

Vice Chairman Braga asked if the building coverage was calculated without the 18' x 18' garage and was told yes.

MOVED (BRAGA), SECONDED (WAMBOLT) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #V200606—DAVID GAUTHIER.

Chairman Cardin noted that the setbacks were being improved.

MOVED (WAMBOLT), SECONDED (HARFORD) AND PASSED UNANIMOUSLY TO APPROVE #V200606—DAVID GAUTHIER.

HARDSHIP: LOT SIZE, LOT CONFIGURATION & LESSENING NON-CONFORMITIES AS TO FRONT & SIDE YARD SETBACKS

5. #V200607—William Mandell for variances to the Ellington Zoning Regulations, Section 5.2—Area & Yard Requirements; Section 5.3g(b)—Additional Yard Requirements; Section 5.2, Footnote 5—Footnotes to Area & Yard Requirements; Section 7.7.5(a)—Location of Parking Facilities for a front yard setback from 100' to 75.27' and to allow the building to be closer than adjacent commercial building (required to have new buildings no closer than adjacent); to allow a 2,040 sq. ft. building (required minimum is 2,500 sq. ft.); and to allow parking within 6' of the building (required separation is 20') for construction of a gas station convenience store and associated improvements on property located at 194 Windsorville Road, APN 009-067-0000 in a C Zone.

TIME: 7:25 p.m.

SEATED: M. Cardin, K. Braga, W. Harford, R. Wambolt and R. Stomberg

Chairman Cardin noted that the certificate of mailings were in the file. She also noted the notice to the Town of Vernon, the North Central District Health Department letter dated April 3, 2006 and the Water Pollution Control Authority comments.

Attorney Len Jacobs came forward to explain the application. He stated that the parcel is in the C-Commercial Zone and fronts on both Windsorville Road and Skinner Road. The commercial zone surrounds the parcel; however there is a residential use in the zone, which increases the setback along the Skinner Road side of the parcel. Attorney Jacobs stated that they are proposing to demolish the existing building and build a larger convenience store. They will not be moving the location of the pumps. Attorney Jacobs reviewed the plan showing the buildable

area based on permitted setbacks and noted that there is not a suitable lot configuration for redevelopment. Attorney Jacobs explained that the plans were revised based on the Board's comments and that revising the plans caused the building to be moved closer to Windsorville Road. This required them to withdraw their original application and submit this application. He reviewed each variance and explained the hardships for each. Attorney Jacobs noted that they are eliminating more non-conformities than they are creating.

Jim Dutton, project engineer, stated that the amount of truck deliveries would be reduced by building a larger store because they will have more storage.

Commissioner Wambolt noted that this application addresses a portion of the neighbor's concern about deliveries. He noted that many of the non-conformities are being lessened.

MOVED (HARFORD), SECONDED (WAMBOLT) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #V200607—WILLIAM MANDELL.

MOVED (BRAGA), SECONDED (HARFORD) AND PASSED UNANIMOUSLY TO APPROVE #V200607—WILLIAM MANDELL FOR A VARIANCE FOR THE FRONT YARD SETBACK FROM 100' TO 75.27' & TO ALLOW THE BUILDING AT THE LOCATION ALTHOUGH THE ADJACENT COMMERCIAL BUILDING IS FARTHER FROM WINDSORVILLE ROAD.

HARDSHIP: LOT CONFIGURATION, LESSENING NON-CONFORMITIES & WINDSORVILLE ROAD VEERS AWAY FROM THE PARCEL

MOVED (BRAGA), SECONDED (HARFORD) AND PASSED UNANIMOUSLY TO APPROVE #V200607—WILLIAM MANDELL TO ALLOW A 2,040 SQUARE FOOT BUILDING.

HARDSHIP: REDUCED SIZE OF ORIGINAL BUILDING TO ADDRESS BOARD'S CONCERN ABOUT LOT COVERAGE

MOVED (BRAGA), SECONDED (HARFORD) AND PASSED UNANIMOUSLY TO APPROVE #V200607—WILLIAM MANDELL TO ALLOW A PARKING WITHIN 6' OF THE BUILDING.

HARDSHIP: LOT CONFIGURATION & LESSENING NON-CONFORMITIES

IV. UNFINISHED BUSINESS: NONE

V. NEW BUSINESS: NONE

VI. ADMINISTRATIVE BUSINESS:

1. Approval of the April 3, 2006 Meeting Minutes

MOVED (BRAGA), SECONDED (WAMBOLT) AND PASSED UNANIMOUSLY TO APPROVE THE APRIL 3, 2006 MEETING MINUTES.

2. Correspondence:

- a. Memo from Rob Phillips to All Staff, dated 4/20/06 (submission of revised plans to commissions)

SO NOTED.

VII. ADJOURNMENT:

MOVED (BRAGA), SECONDED (WAMBOLT) AND PASSED UNANIMOUSLY TO ADJOURN THE MEETING AT 7:53 PM.

Respectfully Submitted,

Reanna Goodreau
Recording Secretary